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EXAMINER				
PENDLETON, DIONNE				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,195

Applicant(s)

PARK ET AL.

Examiner

DIONNE H. PENDLETON

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-17** are rejected under 35 U.S.C. 102(e) as being anticipated by **Izumi (US 6,778,475)**.

Regarding claims 1 and 13,

Izumi teaches a photo detector for, when light emitted from a two-wavelength light source is divided into at least three light components to be reflected by an optical recording medium, detecting the reflected light components, the photo detector comprising:

a first detector ("210"- "212" in figure 9, see sections (a-h)) divided into eight detecting the at least three light components reflected by the optical recording medium to convert the light components into a first set of electrical signals;

a first calculating portion calculating a first tracking error signal from the first set of electrical signals converted by the first detector by a differential push-pull method (column 15, lines 34-53; column 16, line 51 through column 17, line 53);

a second calculating portion calculating a first focusing error signal by an astigmatism method and calculating a second tracking error signal by a differential phase detection method from the first set of electrical signals converted by the first detector (column 15, lines 47-53);

a second detector ("310" in figure 9 (m-p), also see "410" - "412" in figure 10) divided into four sections detecting the at least three light components reflected by the optical recording medium to convert the at least three light components into a second set of electrical signals;

and a third calculating portion calculating a second focusing error signal by the astigmatism method and calculating a third tracking error signal by the differential phase detection method from the second set of electrical signals converted by the second detector (column 15, line 47-53; column 16, line 51 through column 17, line 53).

Regarding claim 2,

Izumi teaches a photo detector according to claim 1, wherein the first detector (210-212) comprises:

a first central sensor ("210") having a region divided vertically and horizontally into four sub regions detecting a central light component among the at least three light

components reflected by the optical recording medium to convert the central light component into the first set of electrical signals;

a first peripheral sensor (211) having a region divided vertically or horizontally into two sub regions (any two of "e"- "h") detecting a first peripheral light component among the at least three light components reflected by the optical recording medium to convert the first peripheral light component into the first set of electrical signals;

and a second peripheral sensor (212) having a region divided vertically or horizontally into two sub regions (any tow of "i" – "l") detecting a second peripheral light component among the at least three light components detected by the optical recording medium to convert the second peripheral light component into the first set of electrical signals (see Figure 2, which teaches at least 2 regions in the second peripheral sensor).

Regarding claim 3.

Hayashi teaches the photo detector according to claim 1, wherein the optical recording medium is one among a DVD-R, a DVD+RW, a DVD-RW, and a CD (see "1" or "10").

Regarding claim 4.

Izumi teaches a switching portion (78, 79) selectively outputting either the first tracking error signal or the second tracking error signal in accordance with a type of optical recording medium (column 16:30-35).

Regarding claim 5.

Izumi teaches that the switching portion selectively outputs the first tracking error signal calculated by the first calculating portion when the optical recording medium is one among the DVD-R, the DVD+RW, and the DVD-RW, and wherein the switching portion selectively outputs the second tracking error signal calculated by the second calculating portion when the optical recording medium is the DVD ROM (column 16:30-62 and column 17:40-53).

Regarding claim 6.

Izumi teaches the photo detector according to claim 3, wherein the third calculating portion calculates the second focusing error signal and the third tracking error signal when the optical recording medium is the CD (see column 15:34-53 and column 16, line 51 through column 17, line 53).

Regarding claim 7.

Izumi teaches the photo detector according to claim 1, wherein the first detector is a DVD sensor and the second detector is a CD sensor (column 20:34-40 teaches that detector (210-212) is for DVD use and detector (410-412) is for CD use).

Regarding claim 8.

Figure 10 of Izumi teaches the photo detector according to claim 7, wherein the DVD sensor includes a first central sensor (210) and first and second peripheral sensors (211,212).

Regarding claim 9.

Izumi teaches the photo detector according to claim 8, wherein the first central sensor is divided into four regions and the first and second peripheral sensors are each divided into two regions (figure 10 illustrates central sensor 210 having four regions, while peripheral sensors 211,212, have at least two regions).

Regarding claim 10.

Izumi teaches the photo detector according to claim 9, wherein a 0 order beam is incident on the first central sensor, a +1 order beam is incident on the first peripheral sensor and a -1 order beam is incident on the second peripheral sensor (column 18, lines 2-7).

Regarding claim 11.

Izumi teaches the photo detector according to claim 7, wherein the DVD sensor generates the first tracking error signal using the differential push-pull method when the optical recording medium is a DVD-R or a DVD+RW and the DVD sensor generates the second tracking error signal using the differential phase detection method when the optical recording medium is a DVD-ROM (column 17, lines 40-51).

Regarding claim 12.

Izumi teaches that the first tracking error signal is used for tracking a servo of an optical pick-up when the recording medium is a DVD-R or a DVD+RW (column 23:31-27 teaches detecting tracking error for DVD-R type disks).

Regarding claim 14,

Izumi teaches the photo detector according to claim 13, wherein the first detector is divided into eight detecting regions (210-212 in figure 9, see (a-h) and the second detector is divided into four detecting regions (see "310" (m-p), or see "410"- "412" in figure 10).

Regarding claim 15,

Izumi teaches the photo detector according to claim 13, wherein the first detector is a DVD sensor and the second detector is a CD sensor (column 20:34-40 teaches that detector (210-212) is for DVD use and detector (410-412) is for CD use).

Regarding claim 16,

Izumi teaches the photo detector according to claim 15, wherein the DVD sensor includes a first central sensor ("210" in figure 9) and first and second peripheral sensors (211,212).

Regarding claim 17,

Izumi teaches the photo detector according to claim 16, wherein the first central sensor is divided into four regions and the first and second peripheral sensors are each divided into two regions (figure 10 illustrates central sensor 210 having four regions, while peripheral sensors 211,212, have at least two regions).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Izumi (US 6,778,475)** in view of **Timmers (US 5,400,093)**.

Regarding claim 18,

Izumi teaches a photo detector comprising:

a first detector (210-212 in figure 9) detecting light components reflected from an optical recording medium and a beam splitter (3) and converting the reflected light components into a first set of electrical signals;

and a second detector ("310" in figure 9 (m-p), also see "410" - "412" in figure 10) detecting the light components reflected from the optical recording medium and the beam splitter and converting the reflected light components into a second set of electrical signals.

Izumi fails to expressly teach that the detectors are separated by a predetermined distance proportional to the thickness of the beam splitter.

TIMMERS teaches that detectors are separated by a predetermined distance based on characteristics of the beam splitter (figures 18 and 19, also see column 15, lines 23-28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to separate the first and second detectors of Izumi by a predetermined distance, as taught by Timmers, as a function of the design of the optical system.

Regarding claim 19.

Izumi teaches the photo detector according to claim 18, wherein the first detector is divided into eight detecting regions (210-212 in figure 9, see (a-h) and the second detector is divided into four detecting regions (see "310" (m-p), or see "410"- "412" in figure 10).

Regarding claim 20.

Izumi teaches the photo detector according to claim 18, wherein the first detector ("210"- "212" in figure 9) includes a first central sensor (210) and first (211) and second (212) peripheral sensors and the second detector ("410"- "412" in figure 10) includes a second central sensor (410).

Response to Arguments

3. Applicant's arguments with respect to claims rejected in the Official Action mailed 9/17/2008 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIONNE H. PENDLETON whose telephone number is (571)272-7497. The examiner can normally be reached on 10:30-7:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dionne H Pendleton/
Examiner, Art Unit 2627

/Wayne Young/
Supervisory Patent Examiner, Art Unit 2627